

Kelly Kumm
Attorney at Law
Idaho State Bar No. 3252
1305 East Center Street
Pocatello, Idaho 8321
Telephone (208) 232-4051
Facsimile (208) 232-2880

Attorney for Defendant

U.S. COURTS
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REC'D
CAMERON S. DURIE
CLERK IDAHO

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF IDAHO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DUSTIN HOLM,

Defendant.

Case No. 03-220-E-BLW

**ANOTHER
MOTION FOR CONTINUANCE**

The defendant, Dustin Holm, by and through his attorney of record, Kelly Kumm, pursuant to 18 U.S.C. § 3161(h)(1)(F) and (h)(8), respectfully moves this court for an order vacating the trial setting of November 8, 2004, and rescheduling the trial no sooner than sixty (60) days after said trial setting to another date and time convenient to the court and counsel on the grounds and for the reasons that:

1. The defendant has only been readily accessible to counsel since he was transferred to the Bannock County Detention Center from Ada County on or about September

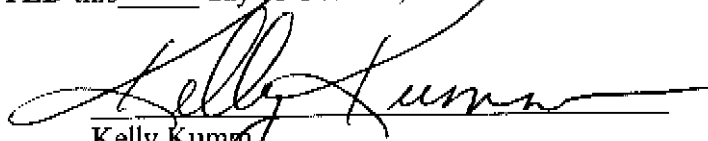
24, 2004, impending counsel's ability to prepare for trial;

2. Complex plea negotiations have been underway since then. The parties are pursuing a global plea agreement binding two jurisdictions within the state of Idaho, as well as the government and the defendant;

3. Despite the best efforts of the government and the defendant, the agreement has not been completed to the satisfaction of all parties. A signed agreement is anticipated within thirty (30) days; and

4. A continuation of the trial date is excludable time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A). Under these circumstances, the interests of justice in allowing defense time for effective preparation outweighs the defendant's and the public's interests in a speedy trial. Also, 18 U.S.C. § 3161 (h)(8)(B)(iv) states that "the failure to grant such a continuance... would deny the defendant reasonable time to obtain counsel, and would unreasonably deny counsel for the defendant the reasonable time necessary for effective preparation."

RESPECTFULLY SUBMITTED this 28th day of October, 2004

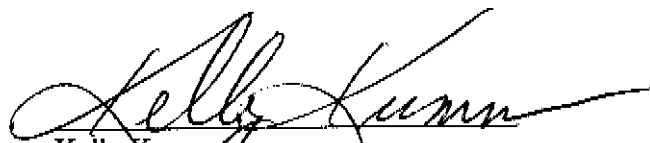

Kelly Kumm
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of October, 2004, I caused a true and correct copy of the foregoing **ANOTHER MOTION FOR CONTINUANCE** to be delivered to the party named below, as follows:

Jack B. Haycock
United States Attorney
801 E. Sherman
Pocatello, ID 83201
Facsimile (208) 478-4175

☐ By U. S. Mail
☐ By Facsimile
☒ By Hand Delivery


Kelly Kumm